

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Reissue Application of)
John M. Hess III et al.)
Serial No.: 10/087,015)
Filed: February 28, 2002)
For: DISPENSING STRUCTURE)
INCORPORATING A VALVE-)
CONTAINING FITMENT FOR)
MOUNTING TO A)
CONTAINER AND A)
PACKAGE WITH A)
DISPENSING STRUCTURE)
Examiner: Kenneth Bomberg)

PATENT APPLICATION
SEA0820P0882US (SC-140 RE)
Group Art Unit: 3754
Confirmation No. 2643

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FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop REISSUE
Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.97, the art identified on the attached form PTO/SB/08A and other matters discussed below may be helpful to the Patent Office in its examination of the application identified above.

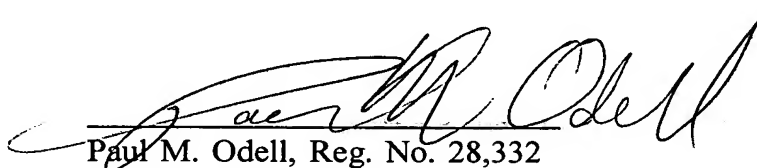
Enclosed is a copy of the COMMUNICATION and attached "SUPPLEMENTARY EUROPEAN SEARCH REPORT" (dated "09.05.03") for the European Application No. 99 96 3922.2 which claims priority of the application that issued as U.S. Patent No. 6,050,451 for which reissue is sought in the above-captioned U.S.A. patent application. Also enclosed is a copy of each of the patents cited in the SUPPLEMENTARY EUROPEAN SEARCH REPORT that have not been previously

Serial No. 10,087,015 - - - - 2

cited to date in the above-captioned U.S. application. (U.S. Patent Nos. 5,307,955 and 5,377,877 cited in the SUPPLEMENTARY EUROPEAN SEARCH REPORT, were previously made of record in the instant application in the original Information Disclosure Statement filed February 2, 2002.)

CERTIFICATION UNDER 37 C.F.R. §1.97(e)

I hereby certify that each item of information contained in this First Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office (European Patent Office) in a counterpart foreign application not more than three months prior to the filing of this statement.


Paul M. Odell, Reg. No. 28,332

June 6, 2003
Date

COMMENTS ON CITATIONS

The following comments are directed to the documents disclosed in the accompanying form PTO/SB/08A. Non-English language documents without translation are discussed below with a concise explanation pursuant to 37 C.F.R. §1.98(a)(3)(i).

1. For the EP 0 763 482 A1 document which is listed on the Form PTO/SB-08A and which is not in the English language, there is set forth below a concise explanation of the relevance:

This document discloses a spout assembly having a spout 10 with a cap 20 which is adapted to connect to an outer tube 13 of the spout as shown in FIGS. 2 and 4. Various other embodiments are illustrated, but none appears to disclose the use of a flexible, self-sealing slit valve.

2. For JP 5 229 566 document, which is listed on the Form PTO/SB/08A and which is not in the English language, there is set forth below a concise explanation of the relevance:

This document discloses types of fitment for a flexible pouch. FIG. 7 shows a fitment for fitting at the top center of a pouch 4, and FIG. 8 shows a fitment for fitting at the top corner of a pouch. FIG. 10 shows a threaded cap for threadingly engaging a portion of the fitment. There does not appear to be any disclosure of a flexible, self-sealing slit valve.

The order of listing of the art on the attached Form PTO/SB/08A should not be construed as an indication of the importance of the listed art.

The Patent and Trademark Office Examiner is requested to review the art and determine the extent of the materiality of the disclosures thereof with respect to the patentability of the subject invention. It is expected that the Patent and Trademark Office Examiner will independently conduct a complete search for relevant prior art.

No inference should be drawn and no representation is made or intended: (a) that a search has been made, or if made, was complete; (b) that the art on the attached list presents a comprehensive investigation of the prior art; or (c) that art no more pertinent than that listed is in existence.. [See 37 C.F.R. §1.97(g)]

Citation of any art herein is not to be construed as an admission: (a) that the art disclosure is, or is considered to be, necessarily within the invention field of endeavor, pertinent to the instant invention, or equivalent to the instant invention; (b) that the art disclosure is, or is considered to be, necessarily prior in time to a particular date which may be relevant in the instant patent application; (c) that the art disclosure is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); (d) that the art disclosure is otherwise necessarily prior art with respect to the instant invention and application; and/or (e) that the information, protocols, results and the like reported by third parties are accurate or enabling. [See 37 C.F.R. §1.97(g).]

No inference should be drawn that the discussion of any art herein is a discussion of each and every feature disclosed therein.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosures of any document or other art, including the disclosures of the art cited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

Respectfully submitted,

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

By


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Serial No. 10,087,015 - - - - 5

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with sufficient postage as First Class Mail in an envelope addressed to Mail Stop REISSUE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on June 6, 2003.



Paul M. Odell